

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-110806
	:	TRIAL NO. B-1105076
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
DOUGLAS STOCKDALE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Douglas Stockdale appeals the judgment of the Hamilton County Court of Common Pleas convicting him of possessing cocaine.

Stockdale filed a motion to suppress evidence of the cocaine. At the hearing on the motion, Officer Dustin Reed testified he had been called to assist another officer in an investigation at a gas station in a high-crime area. When he arrived on the scene, he saw a hypodermic needle on the hood of the car in which Stockdale had been the driver. The needle had been recovered from the passenger, whom Reed described as “one of our regulars.”

Reed began conversing with Stockdale, and he noticed a plastic bag protruding from his pants pocket. Reed testified that the bag was of a type commonly used to contain drugs.

Reed ordered Stockdale to step out of the car, and he patted him down. The officer felt what seemed to be crack cocaine in the pocket where the plastic bag was located. He removed the bag and discovered that it contained two rocks of crack cocaine.

The trial court denied the motion to suppress, and Stockdale entered a no-contest plea. The court found him guilty and imposed a period of community control.

In his first assignment of error, Stockdale argues that the trial court erred in overruling his motion to suppress.

When considering a motion to suppress, the trial court acts as the trier of fact and is in the best position to evaluate the credibility of witnesses and to weigh the evidence. *State v. Sanders*, 1st Dist. No. C-030846, 2004-Ohio-6842, ¶ 6, citing *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶ 8. Although we must accept the trial court's findings of fact if they are supported by some competent, credible evidence, we conduct a de novo review of whether the facts meet the applicable legal standard. *Id.*

In this case, we find no error in the trial court's denial of the motion. The hypodermic needle that had been confiscated from Stockdale's companion, coupled with the plastic bag protruding from Stockdale's pocket, provided probable cause to believe that he was in the possession of contraband. *State v. Strothers*, 2d Dist. No. 18322, 2000 Ohio App. LEXIS 6035 (Dec. 22, 2000). We overrule the first assignment of error.

In his second and final assignment of error, Stockdale contends that the trial court erred in failing to advise him of the terms of postrelease control.

Where a trial court imposes community control instead of a term of imprisonment, it is not required to inform the defendant of the terms of postrelease control. R.C. 2929.19(B)(2). We overrule the second assignment of error and affirm the judgment of the trial court.

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Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on October 26, 2012
per order of the court _____.
Presiding Judge